



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,340	11/16/2001	Paul England	MSI-955US	5780

22801 7590 05/16/2006

LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER

LEMMA, SAMSON B

ART UNIT PAPER NUMBER

2132

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 2132

### ***DETAILED ACTION***

1. This office action is in reply to an amendment filed on February 27, 2006.

**Claims 6, 12-19, 30-40, 43-48, 54 and 68-75** are canceled.

**Independent claims 1, 41, 49,52 and 79 and 32 are amended. Therefore**

**claims 1-5,7-11,20-29,41,42,49-53,55-67 and 76-79** are pending/examined.

### ***Response to Arguments***

2. Applicant's argument has been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5,7-11,20-29,41,42,49-53,55-67 and 76-79** are rejected under 35 U.S.C. 102(e) as being anticipated by **Peterka**. (hereinafter referred to as **Peterka**) (U.S. Publication No. 2002/0172368 A1) (Claims priority of provisional application, 60/243,92 filed on October 26, 2000)

Art Unit: 2132

5. **As per claim 1, 7-9, 20-26,41-42,49,52,55,59,61,63 and 76-79, Peterka**

discloses a method comprising:

**Receiving a request to transfer application data from a source computing device to a destination computing device;**[figure 19, paragraph 0066, paragraph 0136]

**Checking whether the application data can be transferred to the destination computing device[0066] (caching server examines the secure object of the client) and if so then**

**Checking whether the application data can be transferred under the control of user** [paragraph 0136, "checking could be performed by the client] **or a third party.** [paragraph 0136, checking could be either performed by content providers/ caching server] **wherein, checking whether the application data can be transferred comprises checking a type of the application data,** [paragraph 0137,"analyzes the client's request for the program content] **the type of application data being one of non-migreatable** [ paragraph 0137, content data which the clients are not authorized are non-migratable] **user-migrateable [paragraph 0136, checking by the client itself] and third party-migrateable.**[ paragraph 0136, checking could be either performed by content providers/ caching server]

**Receiving input from the appropriate one of the user or third party to control transferring of the application data to the destination computing device** [paragraph 0136]

Art Unit: 2132

6. **As per claims 2,27,53 and 64, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method further comprising further comprising: checking whether the destination computing device is trusted to receive the application data; and preventing the application data from being transferred if the destination computing device is not trusted to receive the application data. [paragraph 0066,0142]

7. **As per claim 3, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method wherein,checking whether the destination computing device is trusted to receive the application data comprises checking whether software executing on the destination computing device is trusted to receive the application data. [paragraph 0066,0142]

8. **As per claims 4-5, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, wherein checking whether the destination computing device is trusted to receive the application data comprises the third party checking whether the destination computing device is trusted to receive the application data.[paragraph 0136-0137]

9. **As per claim 10, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, further comprising: receiving application data to be encrypted and stored on the source computing device; identifying how the application data is to be allowed to be transferred to the destination computing device if a request to transfer the application data is received; and selecting a particular one of a plurality of encryption keys to encrypt the application data, wherein the selecting is based at least in part on how the application data is to be allowed to be transferred to another computing device.[paragraph 0142 & 0066]

Art Unit: 2132

10. **As per claims 11,28-29,56 and 65, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, further comprising: further comprising: allowing application data for a plurality of applications to be transferred to the destination computing device by moving a single key to the destination computing device. [Paragraph 0066 & 0142]

11. **As per claims 50-51 and 77, Peterka** discloses a method as applied to claim above. Furthermore Peterka discloses the method, wherein the type of application secret is all secrets and the key associated with the one type is a gatekeeper storage key.[Paragraph 0066 & 0142]

12. **As per claims 57, 66 and 78, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, wherein the data comprises an operating secret.[Paragraph 0066 & 0142]

13. **As per claims 58, 67 and 79, England** discloses a method as applied to claim above. Furthermore **England** discloses the method, wherein the data comprises trusted core secret.[Paragraph 0066 & 0142]

14. **As per claims 60 and 62, Peterka** discloses a method as applied to claim above. Furthermore **Peterka** discloses the method, wherein the plurality of instructions to: encrypt an encryption key previously used to encrypt the data; and allow the encrypted key to be copied to the destination computing device.[Paragraph 0066 & 0142]

}

## ***Conclusion***

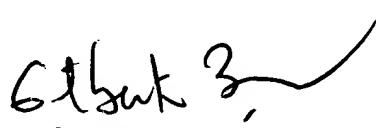
Art Unit: 2132

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**  
*S.L*  
**05/01/2006**

  
**GILBERTO BARRON JR.**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**